

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAWN CLAIBORNE,

Plaintiff,

vs.

SUMMIT TRADING COMPANY, INC., a
Washington Corporation, and TOM MARSHALL
and "JANE DOE" MARSHALL and the marital
community thereof,

Defendants.

NO. CV-10-5676

**STIPULATION AND ORDER PERMITTING
AMENDED COMPLAINT AND REMANDING
CASE TO PIERCE COUNTY SUPERIOR
COURT**

I. STIPULATION

On August 13, 2010, plaintiff filed a Complaint in Pierce County Superior Court which included certain allegations that appeared to state a claim for breach of contract. Defendants contended that this claim arose under the collective bargaining agreement, if it existed at all. The complaint was first served on or about September 14, 2010. Defendants removed this action on September 21, 2010 based on federal question jurisdiction under 29 USC 185(a).

Plaintiff now seeks to file an Amended Complaint which removes the breach of contract allegations. A copy of the proposed Amended Complaint is attached as Exhibit A.

STIP/ORDER PERMITTING AMENDED COMPLAINT
AND REMANDING CASE TO PIERCE COUNTY SC - 1 of 3
[Claiborne Stip and Order Permitting Amended Complaint and Remanding PCSC.doc]

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1 Because more than 21 days have passed since defendants answered the initial
2 complaint, FRCP 15(a)(2) requires defendants' consent or leave of court. Defendants do
3 not object to the attached Amended Complaint.

4 Once the Amended Complaint is filed and the breach of contract claim removed
5 from this action, there is no federal claim remaining in the case. Therefore, once the
6 Amended Complaint is filed and the breach of contract claim is removed from the case,
7 the parties stipulate that this matter should be remanded to Pierce County Superior
8 Court.
9

10 Dated this 20th day of October, 2010.

11 DAVIS LAW PLLC

GORDON THOMAS HONEYWELL LLP

12
13 By: /s/ Michael J. Davis 10/20/10

By: /s/ Warren E. Martin 10/20/10

14 Michael J. Davis, WSBA #25846

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15 Attorneys for Plaintiff

Attorneys for Defendants

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17 **II. ORDER**

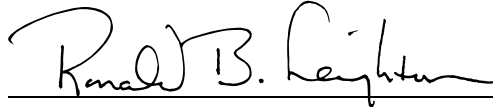
18 Based on the foregoing stipulation of the parties, it is hereby ORDERED:

19 1. The Amended Complaint attached to this Stipulation as Exhibit A shall be
20 filed.

21 2. Once the Amended Complaint is filed, and the breach of contract claim is
22 removed from this action, there are no remaining federal questions in this case.

23 3. Therefore, upon filing of the Amended Complaint, this matter is remanded
24 to the Pierce County Superior Court.
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1 Dated this 22nd day of October, 2010.

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4 

5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE

7 Presented Jointly By:

8 DAVIS LAW PLLC

GORDON THOMAS HONEYWELL LLP

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